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 Denise M. De Mory (SBN 168076)  
 Jaclyn C. Fink (SBN 217913)  
 HOWREY LLP  
 525 Market Street, Suite 3600  
 San Francisco, California 94105  
 Telephone: (415) 848-4900  
 Facsimile: (415) 848-4999

Attorneys for Plaintiff SYNOPSYS and  
 Defendants AEROFLEX INCORPORATED,  
 AEROFLEX COLORADO SPRINGS, INC.,  
 AMI SEMICONDUCTOR, INC., MATROX  
 ELECTRONIC SYSTEMS, LTD., MATROX  
 GRAPHICS INC., MATROX  
 INTERNATIONAL CORP., and MATROX  
 TECH, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INCORPORATED, AMI  
 SEMICONDUCTOR, INC., MATROX  
 ELECTRONIC SYSTEMS LTD., MATROX  
 GRAPHICS INC., MATROX  
 INTERNATIONAL CORP., MATROX TECH,  
 INC., AND AEROFLEX COLORADO  
 SPRINGS, INC.,

Defendants.

Case No. C03-4669 MJJ (EMC)

Case No. C03-2289 MJJ (EMC)

**DECLARATION OF DENISE M. DE MORY  
 IN SUPPORT OF NOTICE OF  
 WITHDRAWAL OF PORTION OF  
 EXPEDITED MOTION TO COMPEL  
 ACCESS TO INFORMATION ALLEGEDLY  
 COVERED BY THE PROTECTIVE  
 ORDER, OR IN THE ALTERNATIVE, TO  
 DE-DESIGNATE ALLEGEDLY  
 CONFIDENTIAL INFORMATION AND  
 OTHER THEREON**

SYNOPSYS, INC.,

Plaintiff,

vs.

RICOH COMPANY, LTD.,

Defendant.

**EXHIBITS 1, 2, 3 AND 4  
 FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER**

1 I, Denise M. De Mory, declare as follows:

2 1. I am a partner at the law firm of Howrey LLP, counsel for Aeroflex Incorporated,  
3 Aeroflex Colorado Springs, AMI Semiconductor, Inc., Matrox Electronic Systems, Ltd., Matrox  
4 Graphics Inc., Matrox International Corp., and Matrox Tech, Inc. (collectively, the "Customer  
5 Defendants") and Synopsys, Inc. ("Synopsys") in this action. The following declaration is based on  
6 my personal knowledge. If called upon to testify, I could and would competently testify to the matters  
7 set forth below.

8 2. Attached hereto as Exhibit 1 is a true and correct copy of a document Bates numbered  
9 RCL0011487, which have been filed under seal.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of a document Bates numbered  
11 RCL0011488, which have been filed under seal.

12 4. Attached hereto as Exhibit 3 is a true and correct copy of a document Bates numbered  
13 RCL0011491, which have been filed under seal.

14 5. Attached hereto as Exhibit 4 are true and correct copies of all the e-mails between  
15 counsel relating to this motion.

16 Executed this 9<sup>th</sup> day of June, 2006, at Pittsburgh, Pennsylvania

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct.

19  
20 \_\_\_\_\_  
21 */s/ Denise M. De Mory*  
22 Denise M. De Mory  
23  
24  
25  
26  
27  
28

# EXHIBIT

# 4

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**From:** Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]  
**Sent:** Thursday, June 08, 2006 7:26 PM  
**To:** DeMory, Denise  
**Cc:** Barbisch, Rebecca; Weinstein, Michael; Allen, DeAnna; Seyoum, Solomon; Hoffman, Gary; Fontaine, Elizabeth; Fink, Jacky; Andelman, Ethan  
**Subject:** RE: Van Horn Objection

Denise:

Based upon Ethan's message, tonight I drafted the opposition on the designation portion. We do not have a meeting of the minds since you are reserving the right to refile, so there is no agreement that you have the extra four days. We will file tomorrow unless we receive an unequivocal message by 10 am ET tomorrow that you will withdraw and not refile. If you so agree, then we agree that each side can have the extra four days.

Regards, Ken

Ken Brothers  
Dickstein Shapiro Morin & Oshinsky LLP

---

**From:** DeMory, Denise [mailto:demoryd@Howrey.com]  
**Sent:** Thursday, June 08, 2006 8:32 PM  
**To:** Brothers, Kenneth  
**Cc:** Barbisch, Rebecca; Weinstein, Michael; Allen, DeAnna; Seyoum, Solomon; Hoffman, Gary; Fontaine, Elizabeth; Fink, Jacky; Andelman, Ethan  
**Subject:** Re: Van Horn Objection

Ken:

I just landed. I disagree that we agreed to withdraw and that we would be subject to sanctions if we persist. However, in view of the agreement to the additional four days, we will withdraw the motion and refile the dedesignation portion separately if we cannot reach agreement on that issue.

Regards,

Denise

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

**From:** Brothers, Kenneth  
**To:** DeMory, Denise  
**CC:** Barbisch, Rebecca; Weinstein, Michael; Allen, DeAnna; Seyoum, Solomon; Hoffman, Gary; Fontaine, Elizabeth; Fink, Jacky; Andelman, Ethan

6/9/2006

Sent: Thu Jun 08 15:34:36 2006  
Subject: RE: Van Horn Objection

Denise:

We see no reason for you to persist in this motion. You had said that you would withdraw if we withdrew our objections, which we have done. Your requested relief of declassification was in the alternative, which is no longer applicable. We reiterate our request that you withdraw the entire motion. If you withdraw, we agree to the four extra days per side. If not, then we will oppose.

In addition, the declassification request is vague in that you did not sufficiently identify the portions of the documents and depositions that you want declassified. If we respond, we may request that all documents more than 10 years old be declassified.

As our response is due by noon tomorrow, please immediately confirm your withdrawal of the entire motion.

Regards, Ken

Ken Brothers  
Dickstein Shapiro Morin & Oshinsky LLP

-----Original Message-----

From: DeMory, Denise  
To: 'HoffmanG@dicksteinshapiro.com'; Corbin, Terry  
CC: 'BrothersK@dicksteinshapiro.com'; 'BarbischR@dicksteinshapiro.com';  
'WeinsteinM@dicksteinshapiro.com'; 'AllenD@dicksteinshapiro.com';  
'SeyoumS@dicksteinshapiro.com'  
Sent: Thu Jun 08 14:22:52 2006  
Subject: Re: Van Horn Objection

Gary:

Thank you for your notice. I am sorry that I could not respond yesterday, but, please be advised that we will withdraw the portion of our motion that request that your objection be overruled. We will however continue to press the de-designation of the documents as well as a brief extension to complete the Van Horn report. In particular, we intend ask for a four day extension and will certainly agree to allowing you an extra four days to respond. If you are agreeable, we can drop this request as well and only proceed on the de-designation. Please make sure Jacky and Ethan on your reply so that they can inform the Court as I will be on a plane and unavailable. Regards, Denise

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Hoffman, Gary  
To: DeMory, Denise; Corbin, Terry  
CC: Brothers, Kenneth; Barbisch, Rebecca; Weinstein, Michael; Allen, DeAnna; Seyoum, Solomon  
Sent: Wed Jun 07 18:13:56 2006  
Subject: RE: Van Horn Objection

Denise,

First, this entire issue and your sense of urgency is one of your own creation. The Aeroflex defendants could have raised Mr. Van Horn months ago and in fact raising it at this last minute creates an undue

6/9/2006

Re: Van Horn Objection

burden on Ricoh.

Second, our objections were totally appropriate and in fact your initial response confirmed our concern when you told us that the Finnegan firm was willing to create a wall with Mr. Van Horn with respect to this matter and their representation of Elan. If you had simply informed us initially that the Finnegan firm no longer represented Elan, you would have saved all of us a lot of time.

Third, your ranting and nasty accusations are unjustified, unprofessional and inconsistent with the rules of civility. They are also outright offensive.

Finally, based on the representation that you and the Finnegan firm (through you) have now made that the Finnegan firm does not represent Elan in any capacity, we withdraw our objections. Accordingly, you should immediately file a simple withdrawal of your motion. We trust that you will add no commentary in the notice of withdrawal since any commentary may necessitate our having to respond.

Gary

Gary M. Hoffman  
Dickstein Shapiro Morin & Oshinsky LLP  
Tel No. (202) 828-2228  
hoffmang@dsmo.com

New contact information as of July 10, 2006:  
Dickstein Shapiro LLP  
1825 Eye Street NW  
Washington DC 20006  
direct (202) 420-2228  
phone (202) 420-2200  
fax (202) 420-2201

---

From: DeMory, Denise [<mailto:demoryd@Howrey.com>]  
Sent: Wednesday, June 07, 2006 5:25 PM  
To: Brothers, Kenneth  
Cc: Barbisch, Rebecca; Weinstein, Michael; Hoffman, Gary; Allen, DeAnna  
Subject: RE: Van Horn Objection

Ken:

Your objection was not properly made, and the record is very clear on that. You knew since at least as early as September of 2005 that the Elan matter relating to the '432 patent, which we dispute was a basis on which to object in the first instance, was being handled by Akin Gump -- not Finnegan. We have confirmed that Finnegan does not represent Elan in any capacity, and expect you to immediately withdraw your objection, especially now that you have unreasonably wasted another full day. Please advise immediately whether you will: (1) withdraw your objection; and (3) agree to an extension as requested in my e-mail.

Regards,

Denise

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From: Brothers, Kenneth [<mailto:BrothersK@dicksteinshapiro.com>]  
Sent: Wednesday, June 07, 2006 10:27 AM

6/9/2006

To: DeMory, Denise  
Cc: Barbisch, Rebecca; Weinstein, Michael; Hoffman, Gary; Allen, DeAnna  
Subject: RE: Van Horn Objection

Denise:

The objection was properly made. Even now, we do not know whether the Finnigan firm still represents Elan. Please advise us of whether it does, and if so, in what capacity. We will then advise you of our position.

Regards, Ken

-----Original Message-----

From: DeMory, Denise [mailto:demoryd@Howrey.com]  
Sent: Wed 6/7/2006 1:09 AM  
To: Brothers, Kenneth  
Cc: Barbisch, Rebecca; Weinstein, Michael; Hoffman, Gary; Allen, DeAnna  
Subject: Van Horn Objection

Dear Ken:

We have learned that not only the timing and the substance of your objection to Mr. Van Horn were an abusive litigation tactic, but in addition that you knew that your claims were false at the time they were made. Mr. Yitai Hu, the lawyer who wrote the first letter on behalf of Elan in 2003 (which you attached to your letter) moved to Akin Gump in 2004. Since that time, you and your client certainly have been made aware that Finnegan no longer represents Elan. Indeed, although you attached a Synopsys labeled version of the 2003 Finnegan letter, on April 13, 2006, you produced the 2003 Finnegan letter as RCL 11487, and the next document in order, RCL 11488, shows that Akin Gump now represents Elan. The Ricoh produced letters are attached hereto. In addition, in a letter you likely drafted, your client wrote to Elan in a letter addressed to Akin Gump as recently as February of 2006. See RCL 11491. Moreover, Mr. Van Horn has confirmed that Finnegan has done not work for Elan since January 2004. In view of the foregoing, we request that you immediately withdraw your objection to Mr. Van Horn, and stipulate that we can have an additional five days to do his report commensurate with the time it has taken us to resolve your bogus objection, or we will immediately bring this matter to the attention of the Court. We will expect to hear from you by no later than 12:00 p.m. PST tomorrow.

Regards,

Denise De Mory

<<RCL011491.pdf>> <<RCL011488.pdf>> <<RCL011487.pdf>>

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To reply to our email administrator directly, send an email to [postmaster@dicksteinshapiro.com](mailto:postmaster@dicksteinshapiro.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

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To reply to our email administrator directly, send an email to [postmaster@dicksteinshapiro.com](mailto:postmaster@dicksteinshapiro.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

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To reply to our email administrator directly, send an email to [postmaster@dicksteinshapiro.com](mailto:postmaster@dicksteinshapiro.com)

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To reply to our email administrator directly, send an email to [postmaster@dicksteinshapiro.com](mailto:postmaster@dicksteinshapiro.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

---

-----Original Message-----

From: Andelman, Ethan  
Sent: Thursday, June 08, 2006 3:34 PM  
To: 'BrothersK@dicksteinshapiro.com'; 'HowreyRicoh432@lists.dicksteinshapiro.com'  
Cc: Fontaine, Elizabeth; DeMory, Denise; Fink, Jacky  
Subject: Re: Van Horn Objection

Ken --

Denise has made our position clear. If she has anything additional to say, you will hear from her once she is back online. Thus, you should make whatever preparations you feel you must given her last communication on this issue.

--Ethan

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Brothers, Kenneth  
To: HowreyRicoh432@lists.dicksteinshapiro.com  
CC: Fontaine, Elizabeth; DeMory, Denise; Fink, Jacky; Andelman, Ethan  
Sent: Thu Jun 08 18:22:38 2006  
Subject: RE: Van Horn Objection

To all opposing counsel:

We need to know immediately if you are withdrawing this motion, as our response is due tomorrow at noon. Failure to withdraw immediately will be grounds for seeking sanctions pursuant to 28 USC 1927.

Ken Brothers  
Dickstein Shapiro Morin & Oshinsky LLP

-----Original Message-----

From: Fontaine, Elizabeth [mailto:FontaineE@howrey.com]  
Sent: Thursday, June 08, 2006 4:30 PM  
To: Brothers, Kenneth; DeMory, Denise  
Cc: Barbisch, Rebecca; Weinstein, Michael; Allen, DeAnna; Seyoum, Solomon; Hoffman, Gary; Fink, Jacky; Andelman, Ethan  
Subject: RE: Van Horn Objection

Ken:

Denise is traveling right now and won't land until 4:30 p.m. PT. She will respond to your email then.

Regards,

Elizabeth Hoult Fontaine  
Howrey LLP

2020 Main Street, Suite 1000  
Irvine, California 92614-8200  
949-759-3929 (direct)  
949-721-6910 (fax)  
fontaine@howrey.com  
www.howrey.com

-----Original Message-----

From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]  
Sent: Thursday, June 08, 2006 12:35 PM  
To: DeMory, Denise  
Cc: Barbisch, Rebecca; Weinstein, Michael; Allen, DeAnna; Seyoum, Solomon; Hoffman, Gary; Fontaine, Elizabeth; Fink, Jacky; Andelman, Ethan  
Subject: RE: Van Horn Objection

Denise:

We see no reason for you to persist in this motion. You had said that you would withdraw if we withdrew our objections, which we have done. Your requested relief of declassification was in the alternative, which is no longer applicable. We reiterate our request that you withdraw the entire motion. If you withdraw, we agree to the four extra days per side. If not, then we will oppose.

In addition, the declassification request is vague in that you did not sufficiently identify the portions of the documents and depositions that you want declassified. If we respond, we may request that all documents more than 10 years old be declassified.

As our response is due by noon tomorrow, please immediately confirm your withdrawal of the entire motion.

Regards, Ken

Ken Brothers  
Dickstein Shapiro Morin & Oshinsky LLP

-----Original Message-----

From: DeMory, Denise  
To: 'HoffmanG@dicksteinshapiro.com'; Corbin, Terry  
CC: 'BrothersK@dicksteinshapiro.com'; 'BarbischR@dicksteinshapiro.com'; 'WeinsteinM@dicksteinshapiro.com'; 'AllenD@dicksteinshapiro.com'; 'SeyoumS@dicksteinshapiro.com'  
Sent: Thu Jun 08 14:22:52 2006  
Subject: Re: Van Horn Objection

Gary:

Thank you for your notice. I am sorry that I could not respond yesterday, but. please be advised that we will withdraw the portion of our motion that request that your objection be overruled. We will however continue to press the de-designation of the documents as well as a brief extension to complete the Van Horn report. In particular, we intend ask for a four day extension and will certainly agree to allowing you an extra four days to respond. If you are agreeable, we can drop this request as well and only proceed on the de-designation. Please make sure Jacky and Ethan on your reply so that they can inform the Court as I will be on a plane and unavailable. Regards, Denise

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Hoffman, Gary  
To: DeMory, Denise; Corbin, Terry  
CC: Brothers, Kenneth; Barbisch, Rebecca; Weinstein, Michael; Allen, DeAnna; Seyoum, Solomon  
Sent: Wed Jun 07 18:13:56 2006  
Subject: RE: Van Horn Objection

Denise,

First, this entire issue and your sense of urgency is one of your own creation. The Aeroflex defendants could have raised Mr. Van Horn months ago and in fact raising it at this last minute creates an undue burden on Ricoh.

Second, our objections were totally appropriate and in fact your initial response confirmed our concern when you told us that the Finnegan firm was willing to create a wall with Mr. Van Horn with respect to this matter and their representation of Elan. If you had simply informed us initially that the Finnegan firm no longer represented Elan, you would have saved all of us a lot of time.

Third, you ranting and nasty accusations are unjustified, unprofessional and inconsistent with the rules of civility. They are also outright offensive.

Finally, based on the representation that you and the Finnegan firm (through you) have now made that the Finnegan firm does not represent Elan in any capacity, we withdraw our objections. Accordingly, you should immediately file a simple withdrawal of your motion. We trust that you will add no commentary in the notice of withdrawal since any commentary may necessitate our having to respond.

Gary

Gary M. Hoffman  
Dickstein Shapiro Morin & Oshinsky LLP  
Tel No. (202) 828-2228  
hoffmang@dsmo.com

New contact information as of July 10, 2006:  
Dickstein Shapiro LLP  
1825 Eye Street NW  
Washington DC 20006  
direct (202) 420-2228  
phone (202) 420-2200  
fax (202) 420-2201

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From: DeMory, Denise [mailto:demoryd@Howrey.com]  
Sent: Wednesday, June 07, 2006 5:25 PM  
To: Brothers, Kenneth  
Cc: Barbisch, Rebecca; Weinstein, Michael; Hoffman, Gary; Allen, DeAnna  
Subject: RE: Van Horn Objection

Ken:

Your objection was not properly made, and the record is very clear on that. You knew since at least as early as September of 2005 that the Elan matter relating to the '432 patent, which we dispute was a basis on which to object in the first instance, was being handled by Akin Gump -- not Finnegan. We have confirmed that Finnegan does not represent Elan in any capacity, and expect you to immediately withdraw your objection, especially now that you have unreasonably wasted another full day. Please advise immediately whether you will: (1) withdraw your objection; and (3) agree to an extension as requested in my e-mail.

Regards,

Denise

---

From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]  
Sent: Wednesday, June 07, 2006 10:27 AM  
To: DeMory, Denise

Cc: Barbisch, Rebecca; Weinstein, Michael; Hoffman, Gary; Allen, DeAnna  
Subject: RE: Van Horn Objection

Denise:

The objection was properly made. Even now, we do not know whether the Finnigan firm still represents Elan. Please advise us of whether it does, and if so, in what capacity. We will then advise you of our position.

Regards, Ken

-----Original Message-----

From: DeMory, Denise [mailto:demoryd@Howrey.com]  
Sent: Wed 6/7/2006 1:09 AM  
To: Brothers, Kenneth  
Cc: Barbisch, Rebecca; Weinstein, Michael; Hoffman, Gary; Allen, DeAnna  
Subject: Van Horn Objection

Dear Ken:

We have learned that not only the timing and the substance of your objection to Mr. Van Horn were an abusive litigation tactic, but in addition that you knew that your claims were false at the time they were made. Mr. Yitai Hu, the lawyer who wrote the first letter on behalf of Elan in 2003 (which you attached to your letter) moved to Akin Gump in 2004. Since that time, you and your client certainly have been made aware that Finnegan no longer represents Elan. Indeed, although you attached a Synopsys labeled version of the 2003 Finnegan letter, on April 13, 2006, you produced the 2003 Finnegan letter as RCL 11487, and the next document in order, RCL 11488, shows that Akin Gump now represents Elan. The Ricoh produced letters are attached hereto. In addition, in a letter you likely drafted, your client wrote to Elan in a letter addressed to Akin Gump as recently as February of 2006. See RCL 11491. Moreover, Mr. Van Horn has confirmed that Finnegan has done not work for Elan since January 2004. In view of the foregoing, we request that you immediately withdraw your objection to Mr. Van Horn, and stipulate that we can have an additional five days to do his report commensurate with the time it has taken us to resolve your bogus objection, or we will immediately bring this matter to the attention of the Court. We will expect to hear from you by no later than 12:00 p.m. PST tomorrow.

Regards,

Denise De Mory

<<RCL011491.pdf>> <<RCL011488.pdf>> <<RCL011487.pdf>>

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postmaster@dicksteinshapiro.com

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

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postmaster@dicksteinshapiro.com

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<http://www.DicksteinShapiro.com>  
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